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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,548	12/02/2004	Leonardus Joseph Michael Ruitenburg	NL 020540	5731
65913	7550	11/17/2008		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131				
EXAMINER HU, RUI MENG				
ART UNIT 2618		PAPER NUMBER		
NOTIFICATION DATE 11/17/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary

Application No.

10/516,548

Applicant(s)

RUITENBURG ET AL.

Examiner

RuiMeng Hu

Art Unit

2618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 07/08/2008.

Response to Arguments

2. Applicant's arguments filed on 07/08/2008 have been fully considered but they are not persuasive.

Applicant has added a new limitation "wherein the ADC means is configured to store an amplification setting of the discretely controlled amplifying means relative to a first radio-frequency (RF) input level and the digital receiver signal strength indication in a memory device, wherein the stored amplification setting is configured to serve as a reference to tune the circuit for a subsequent RF input level", however this new limitation is not supported by the specification of present invention, and it is considered as a new matter, hence it is rejected under 35 U.S.C. 112, first paragraph, see below under ***Claim Rejections - 35 USC § 112*** for detail explanation. Consequently, the previous rejection is maintained.

Response to Amendment

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1, 3 and 4** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites the newly added limitation "wherein the ADC means is configured to store an amplification setting of the discretely controlled amplifying means relative to a first radio-frequency (RF) input level and the digital receiver signal strength indication in a memory device, wherein the stored amplification setting is configured to serve as a reference to tune the circuit for a subsequent RF input level", Applicant pointed out page 2 lines 12-20, and page 4 lines 1-9 of specification supports such limitation, and the specification of present invention discloses that the ADC means converts receiver signal strength indication (RSSI) (output of log detector) to digital receiver signal strength indication (digital RSSI), and the digital RSSI can be stored in a memory. However the specification fails to specifically mention or support "wherein the ADC means is configured to store an amplification setting of the discretely controlled amplifying means relative to a first radio-frequency (RF) input level and the digital receiver signal strength indication in a memory device", further a person of ordinary skill in the art would recognize that the ADC means *only* converts analog signals to digital signals. Therefore, claims 1, 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, and the previous rejection is maintained.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 1, 3 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lampe et al. (US Patent 5852772)** in view of **Ryan et al. (US Patent 7151759)** and **Toshida et al. (US Patent 5613232)**.

Consider **claim 1**, Lampe clearly disclose a receiver signal strength indication circuit (figure 4) receiving a discretely controlled amplified signal from an amplifying means (figure 4, amplifying means 64), the circuit comprising: filter means (figure 4, active band-pass filter 72) coupled to an output of the discretely controlled amplifying means, logarithmic detector means (figure 4, log detector 76) for receiving and logarithmically amplifying an output of the filter.

However, Lampe et al. fail to disclose a narrow filter and said narrow filter means providing a limited spectrum of the input signal; and ADC means for converting the output of the logarithmic detector to a digital receiver signal strength indication.

In the same field of endeavor, Ryan et al. clearly disclose a receiver signal strength indication circuit (column 21 lines 48-61, figure 12) receiving a discretely controlled amplified signal from an amplifying means comprising a narrow filter (narrow filter 1203) for filtering a received signal to be detected by a RSSI log detector (RSSI log detector 430) and said narrow filter means providing a limited spectrum of the input signal (to completely remove an adjacent channel wave) for accurately detecting the received signal level of the desired wave.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection techniques taught by Ryan et al. into the receiver signal strength indication furnishing means of Lampe et al. as to

include the narrow filter 1203 prior to the log detector 76 as for completely removing an adjacent channel wave and accurately detecting the received signal level of the desired wave.

In the same field of endeavor, Toshida et al. clearly disclose an ADC means for converting the output of the signal level detector to a digital receiver signal strength indication (figure 1, A/D converter 20, signal level detector 19, Abstract) as easily and safely to store and access as well as for displaying purpose.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection techniques taught by Toshida et al into the receiver signal strength indication furnishing means of Lampe et al. as to include an ADC means to convert the RSSI data into digital RSSI data to be easily and safely stored and accessed as well as for displaying purpose.

Consider **claim 3 as applied to claim 1**, Lampe et al. as modified by Ryan et al. and Toshida et al. clearly disclose wherein the amplifying means include selectivity filtering means connected between the discretely controlled amplifying means and the logarithmic detector means (figure 8, first filter 72 or second filter 84 connected between the amplifying means 64 and the log detector 76).

Consider **claim 4 as applied to claim 1**, Lampe et al. as modified by Ryan et al. and Toshida et al. clearly disclose wherein the amplifying means include a mixer (figure 8, mixer 66).

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed**

to: Commissioner for Patents
P.O. Box 1450
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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RuiMeng Hu whose telephone number is 571-270-1105. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RuiMeng Hu
R.H./rh
November 03, 2008

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/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618